

## **STATE PROPERTIES COMMITTEE MEETING**

**TUESDAY, MARCH 15, 2011**

The meeting of the State Properties Committee was called to order at 10:02 a.m. by Chairman Kevin M. Flynn. Other members present were Robert Griffith representing the Rhode Island Department of Administration; Richard Woolley representing the Rhode Island Department of Attorney General; Robert W. Kay, Public Member; and Andrew Marcaccio representing the Rhode Island Office of the General Treasurer, Ex-officio Member. Others in attendance were Meredith Pickering from the Rhode Island Senate Fiscal Office; Anthony Robinson from the State of Rhode Island General Assembly; Michael D. Mitchell from the Rhode Island Department of Administration; Daniel Clarke, Eva Bernardo and Colleen Kerr from the Rhode Island Department of Transportation.

Chairman Flynn stated for the record that the State Properties Committee did have a quorum present.

Due to a scheduling conflict, Chairman Flynn asked, if there are no objections, if a motion to hear Item F out of sequence could be made. A motion was made to hear Item F out of sequence by Mr. Woolley and seconded by Mr. Kay.

**Passed Unanimously**

**ITEM F – Water Resources Board – A request for conceptual approval of and signatures on the following ten (10) Residential Lease Agreements for properties located in the Big River Management Area:**

- 1. Jeffrey & Bobbie Walsh 97 Arrowhead Road, Coventry, Plat# 118;**
- 2. Ann Richards 280 Fish Hill Road, Coventry, Plat# 79;**
- 3. Ray Negley 301 Fish Hill Road, Coventry, Plat# 46;**
- 4. Joanne Lemaire 32 Congdon Mill Road, West Greenwich, Plat# 274;**
- 5. Henry Lemoi 75 A Division Road, West Greenwich, Plat# F-1;**
- 6. Raymond Moffit 296 Hopkins Hill Road, West Greenwich, Plat# 340;**
- 7. Calvin & Donna Waterman 34 Hoxie Road, West Greenwich, Plat #B-14;**
- 8. Shirley Hart 44 New London Turnpike, West Greenwich, Plat# 280;**
- 9. William & Tanya Albro 235 Nooseneck Hill Road, West Greenwich, Plat# 218;**
- 10. William & Donna Drew 14 Town Hall Road, West Greenwich, Plat# B-1A.**

**Mr. Burke clarified that at this time the Water Resources Board is**

seeking conceptual approval of ten (10) Residential Lease Agreements for domiciles located within the Big River Management Area. Mr. Burke stated that all ten (10) Lease Agreements provide for a term of five (5) years. Mr. Woolley asked if the Board anticipates that any of these properties will require a substantial investment by the State of Rhode Island in terms of having to replace roofs, boilers or items of this nature. Mr. Burke indicated that the Board does expect that the State will have to make some significant investments in said properties. Mr. Burke noted that the houses are inspected by the State Building Commissioner; however, the Board, through the Division of Purchases, is accepting bids for a comprehensive analysis of all the structures and the Board anticipates there will be work to be done. Mr. Woolley asked if the Board has an estimate regarding the cost of said work. Mr. Burke stated that estimating costs at this time is very difficult. The State Building Commissioner has been helpful in conducting cursory reviews. Mr. Burke explained that one of the houses being leased to its original owner was deemed uninhabitable and significant structural repairs had to be completed in order to bring it into compliance with the current State Building Commissioner Code. Additionally, some of the houses will require cosmetic repairs. Mr. Woolley commented that as the term of the Lease Agreements is for five (5) years, he would prefer not to see an extensive amount of money be spent on properties that will be vacated at the expiration of the Leases. Mr. Burke explained that legal counsel informed the Board that as the property-owner and Landlord of these properties, the State has the obligation to maintain

the structures. Mr. Woolley asked if the possibility exists that at the expiration of the Leases, the Board may allow some tenants to continue to occupy the dwellings on a year to year basis. Mr. Burke stated that the Board is certainly trying to avoid the extension of any of the Residential Lease Agreements and has included stronger language in the Leases to emphasize that the five (5) year term is not extendable. Mr. Mitchell explained that pursuant to the Residential Landlord/Tenant Act, the Landlord is required to address any housing code related issues concerning their property; thereby prohibiting a Landlord to lease substandard housing while ensuring that residential properties are properly maintained as long as they are leased for residential occupancy. Mr. Mitchell indicated that to what extent the State wishes to invest in these properties is a business decision to be made by the Board. However, the Board must continually comply with the law in terms of meeting its legal obligations under the aforementioned Act. Mr. Mitchell stated that many dwellings in the Big River Management Area have been vacated by the tenants and subsequently, the structures were demolished because the Board determined they were not worth the required investment to repair them. Chairman Flynn asked how many of the houses located in the Big River Management Area have been vacated since the Board was last before the Committee. Mr. Burke indicated that there are eleven (11) dwellings, which are currently vacant and the Board is advancing a demolition schedule, through the Division of Purchases at the request of the Town of West Greenwich's Manager and the Town Council President as they have deemed said dwellings

to be merely attractive nuisances. Mr. Burke directed the Committee's attention to Section O of the Lease Agreements, wherein, it states that the Board's exposure for catastrophic repairs is limited to \$10,000 per occurrence, per year. Chairman Flynn assumes said language allows the Board to terminate a Lease Agreement if the cost of repairing a dwelling exceeds \$10,000. Mr. Woolley indicated that he is satisfied with the form of the Lease Agreements. Mr. Kay asked that Mr. Burke confer with Risk Manager, Kevin Carvalho to ensure that the amount and type of insurance coverage which the leases require the tenants secure is adequate to fully protect the best interests of the State of Rhode Island. A motion was made to approve by Mr. Woolley and seconded by Mr. Kay.

**Passed Unanimously**

**ITEM A – Board of Governors for Higher Education/University of Rhode Island – A request for approval of and signatures on a License Agreement by and between the University of Victoria Property Investments, Inc., on behalf of Vancouver Island Technology Park Trust and the University of Rhode Island for the use of 200 square feet**

**of storage space located at 4464 Markham Street, Suite 2201, Victoria, British Columbia. Item A is deferred to a future meeting of the State Properties Committee at the request of the University of Rhode Island.**

**ITEM B – Board of Governors for Higher Education/University of Rhode Island – A request for approval of and signatures on a Lease Agreement by and between the**

University of Rhode Island and the Independence Square Foundation the premises known as suite H within the Independence Square II Building on the University's Kingston Campus. Item B is deferred to the March 29, 2011, meeting of the State Properties Committee at the request of the University of Rhode Island.

**ITEM C – Department of Transportation –** A request was made for conceptual approval to dispose of 12,000 square feet of State-owned property located at Chapel Street (Route 107) in the Town of Burrillville; designated as Plat 748. Mr. Clarke explained that for the past couple of months, the Department of Transportation has been working with the Town of Burrillville concerning its request to purchase the above-referenced property, which has been deemed in excess of the Department's needs. The Town wishes to construct a passive recreational park and skateboard park together with some ancillary parking. Mr. Clarke indicated that the Department supports this proposal and believes it is a good use for this essentially dormant, undevelopable property. Mr. Clarke presented a site map for the Committee's review and illustrated the exact location and nature of the subject property. Mr. Clarke respectfully requested the Committee's conceptual approval to proceed with the sale of the subject property to the Town of Burrillville. Mr. Woolley asked if the Department plans to sell said property to the Town for a nominal fee. Mr. Clarke indicated that the Town will be required to pay fair market value for the property. The Department is currently having the property appraised taking into consideration the restriction that it can only be used for recreational purposes. Mr. Kay asked how the Town

plans to fund the project. Mr. Clarke stated he has no information regarding the Town's source(s) of funding for the project. A motion was

made to approve by Mr. Woolley and seconded by Mr. Griffith.

**Passed Unanimously**

**ITEM D – Department of Transportation – A request was made for conceptual approval to dispose of 13,232 square feet of State-owned property located adjacent to Manton Avenue in the City of Providence. Ms. Bernardo presented a site map and photographs of the subject property for the Committee's review. Ms. Bernardo stated that the applicant is Cowan Realty, LLC, whose place of business is located on Manton Avenue in the City of Providence adjacent to the subject property. The applicant is the sole abutter to the subject property. Cowan Realty, LLC intends to purchase the property to be utilized for additional vehicle parking. Chairman Flynn asked if a portion of the bike path runs along the property. Ms. Bernardo indicated that a portion of the bike path does run along the property. Chairman Flynn asked if the property has been paved. Ms. Bernardo indicated that the property was paved by a previous tenant. Chairman Flynn asked if the property has been appraised. Ms. Bernardo stated the property has been appraised. A motion to approve was made by Mr. Woolley and seconded by Mr. Griffith.**

**Passed Unanimously**

**ITEM E – Department of Transportation – A request was made for approval of and signatures on two a Deed of Permanent Easement for**

the Department's acquisition of two (2) permanent sight distances easements located along Victory Highway in the Town of Burrillville. Ms. Kerr explained that the property-owners have subdivided a parcel of land to create residential lots and have applied to the Department of Transportation for a physical alteration permit. Ms. Kerr indicated that as part of the approval process, the Department stipulated that the property-owners must convey a permanent easement to ensure adequate sight distance in order to reduce potential conflicts with vehicles entering and exiting the property. The property-owners have agreed to convey the permanent easement consisting of a total of 16,256 square feet to the Department via a Deed. Ms. Kerr noted that this transaction will not require any monetary compensation. The Deed restricts the property-owner from planting of trees, plants or other vegetation as well as restricting the erecting fencing or the parking of motor vehicles. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

#### **Passed Unanimously**

The Committee may move to go into Executive Session, pursuant to Rhode Island General Law 42-46-5(a)(5) for the specific purpose of discussion or consideration related to the acquisition or lease of real property for public purpose, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

A motion to enter into executive session was made by Mr. Griffith and seconded by Mr. Woolley.



**A roll call vote was taken and the votes were as follows: Mr. Griffith voted “Aye,” Mr. Woolley voted “Aye,” Mr. Kay voted “Aye” and Chairman Flynn voted “Aye”.**

**ITEM EI – Department of Transportation – A request was made for re-authorization to acquire additional land and easements necessary to complete the Replacement of Natick Bridge No. 838, in the City of Warwick and Town of West Warwick. After a discussion in executive session, a motion was made to approve by Mr. Woolley and seconded by Mr. Kay.**

**The Committee returned to the regular session of the meeting at 10:24.**

**Mr. Woolley moved to seal the minutes of the executive session until such time as the matter is resolved. Said Motion was seconded by Mr. Griffith.**

**Passed Unanimously**

**There being no further business to come before the State Properties Committee, a motion to adjourn was made by Mr. Griffith and seconded by Mr. Woolley.**

**Passed Unanimously**

**The March 15, 2011, meeting of the State Properties Committee adjourned at 10:26 a.m.**

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**Holly H. Rhodes, Executive Secretary**

**State Properties Committee**